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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

-----X  
In re: :  
: Chapter 11  
CIRCUIT CITY STORES, INC., et al. : Case No. 08-35653-KRH  
:   
Debtors. : (Jointly Administered)  
-----X

**AMENDED NOTICE OF APPEARANCE AND  
DEMAND FOR SERVICE OF PAPERS**

**PLEASE TAKE NOTICE**, that pursuant to 11 U.S.C. § 1109(b) and Rules 2002, 9007, and 9010 of the Federal Rules of Bankruptcy Procedure (“Rules”), Morrison Cohen LLP, as counsel for Empire HealthChoice Assurance, Inc., d/b/a Empire Blue Cross Blue Shield (“Empire”), demands that all notices, papers, and pleadings including, without limitation, orders, applications, petitions, demands, motions, or documents of any kind, whether written or oral, and whether transmitted or conveyed by mail, hand delivery, telephone, telecopier, telex, computer data medium or any electronic means, filed or served in this case, or any adversary proceeding herein, be served upon:

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Neither this Notice of Appearance nor any subsequent appearance, pleading, claim, or suit is intended or shall be deemed to waive Empire's: (i) right to have a final order in non-core matters entered only after de novo review by a United States District Court Judge; (ii) right to trial by jury in any proceeding so triable herein or in any case, controversy or proceeding related hereto; (iii) right to have the reference withdrawn by the United States District Court in any matter subject to mandatory or discretionary withdrawal; or (iv) other rights, claims, actions, defenses, setoffs or recoupments to which Empire is or may be entitled under agreements, in law, or equity, all of which rights, claims, actions, defenses, setoffs, and recoupments expressly are reserved.

Dated: New York, New York  
December 18, 2008

**MORRISON COHEN LLP**

*Attorneys for Empire HealthChoice Assurance, Inc.,  
d/b/a Empire Blue Cross Blue Shield*

/s/ Joseph T. Moldovan

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STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

**MARIOLA WIATRAK**, being duly sworn, deposes and says:

I am employed by the firm of Morrison Cohen LLP, attorneys for Empire HealthChoice Assurance, Inc., d/b/a Empire Blue Cross Blue Shield. I am not a party to this action, am over 18 years of age and reside in Forest Hills, New York.

On December 18, 2008, I served copies of the Notice of Appearance and Demand for Service of Papers, upon the parties on the annexed service list by enclosing same in wrappers respectively addressed to the addresses designated for that purpose and causing same to be deposited first class and post-paid in an official depository under the care and custody of the United States Postal Service within the State of New York.

/s/ Mariola Wiatrak

MARIOLA WIATRAK

Sworn to before me this  
18<sup>th</sup> day of December 2008

/s/

NOTARY PUBLIC

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